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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,759	02/19/2004	Matthias Slodowski	016790-0491	2079

22428 7590 01/30/2007
FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

STOCK JR, GORDON J

ART UNIT	PAPER NUMBER
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2877

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/780,759

Applicant(s)

SLODOWSKI ET AL.

Examiner

Gordon J. Stock

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Amendment received on November 2, 2006 has been entered into the record.

Drawings

2. The Drawings received on November 2, 2006 are accepted by the Examiner.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 10-18** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As for **claim 10**, 'into the at least one illumination beam path of the measurement arrangement (line 4);' 'a remaining portion of the measurement arrangement (line 6),' 'with the at least one illumination beam path of the measurement arrangement (line 9),' 'hollow cylinders to the measurement arrangement (line 15);' and for **claim 11** 'provided on the measurement arrangement (line 3)' and 'between the lamp housing and the measurement arrangement (lines 3-4);' and for **claim 12** 'the installation element in the measurement arrangement' of line 2; and for claim 17 'at least one illumination beam path of the measurement arrangement (line 4),' 'a remaining portion of the measurement arrangement (line 6),' and 'at least one illumination beam path of the measurement arrangement (line 9)' are indefinite, for it is unclear what are the metes and bounds of the claims since the claims' preamble states 'a measurement arrangement defining at least one illumination beam path.' The 'lamp housing, installation element, first and second cylinders' of **claim 10** and 'the lamp housing and installation element' of **claim 17** as recited

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with the measurement arrangement appear to be external a measurement arrangement and therefore would not comprise 'a measurement arrangement defining at least one illumination beam path.' **Claims 13-16 and 18** are rejected for being dependent upon a rejected base claim.

To treat the claims on their merits, Examiner has interpreted the first line of the claims as the following: 'A measurement system comprising a measurement arrangement defining at least one illumination beam path further comprising a lamp housing ...'

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Examiner apologizes for the inconvenience but upon further consideration a rejection under 35 U.S.C. 112 second paragraph has been made. Though Examiner's interpretation of the **claims 10-18** using 'A measurement system comprising a measurement arrangement defining at least one illumination beam path further comprising a lamp housing ...' did not create ground(s) of rejection under 35 U.S.C. 102/103, Examiner has not indicated any allowable subject matter due to the indefinite nature of the claims as mentioned in the rejection under 35 U.S.C. 112 second paragraph above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent 2,301,401 to Hennessy et al.

U.S. Patent 2,778,872 to Nyman

U.S. Patent 3,305,481 to Jones et al. (specifically, Fig. 4)

U.S. Patent 3,358,134 to Gonyea (specifically, Fig. 3)

U.S. Patent 3,417,392 to Hansen, Sr., et al.

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U.S. Patent 4,051,365 to Fukuyama et al.

U.S. Patent 6,502,969 to Logel et al.

Fax/Telephone Numbers

If the applicant wishes to send a fax dealing with either a proposed amendment or a discussion with a phone interview, then the fax should:

- 1) Contain either a statement "DRAFT" or "PROPOSED AMENDMENT" on the fax cover sheet; and
- 2) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

Papers related to the application may be submitted to Group 2800 by Fax transmission. Papers should be faxed to Group 2800 via the PTO Fax machine located in Crystal Plaza 4. The form of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Machine number is: (571) 273-8300

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gordon J. Stock whose telephone number is (571) 272-2431.

The examiner can normally be reached on Monday-Friday, 10:00 a.m. - 6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr., can be reached at 571-272-2800 ext 77.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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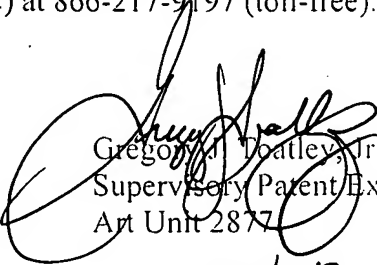
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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private Pair system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DD
gs

January 20, 2007


Gregory M. Doatley, Jr.
Supervisory Patent Examiner
Art Unit 2877
12/10/06